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Attorneys for Defendants Intel Corporation
and Fidelity Investments Institutional
Operations Company, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEE BOLLINGER,

Plaintiff,

v.

INTEL CORPORATION; FIDELITY
INVESTMENTS INSTITUTIONAL
OPERATIONS COMPANY, INC.

Defendants.

Case No. 11-00646-JCS

**STIPULATION FOR EXTENSION OF
TIME TO ANSWER OR RESPOND
TO COMPLAINT**

Pursuant to Local Rule 6-1(a), this Stipulation is made by and between plaintiff Lee Bollinger and defendants Intel Corporation and Fidelity Investments Institutional Operations Company, Inc., by and through their respective counsel of record, with respect to the following:

WHEREAS, on March 8, 2011, the parties filed a stipulation extending the time for defendants to answer or otherwise respond to plaintiff's complaint to March 21, 2011, which the Court approved on March 10, 2011;

WHEREAS, defendants' counsel spoke with plaintiff's counsel by phone on February 2, 2011 to discuss defendants' view that the Employee Retirement Income Security Act of 1974 ("ERISA") preempts plaintiff's claims and requires plaintiff exhaust his administrative remedies prior to commencing litigation regarding his employee benefits;

WHEREAS, on February 25, 2011, defense counsel provided plaintiff's counsel the

1 authorities on which defendants rely for their position, and requested that plaintiff withdraw his
2 complaint or otherwise respond to defendants' position;

3 WHEREAS, on March 6 and 10, 2011, defendants' counsel contacted plaintiff's counsel
4 regarding plaintiff's position respecting this matter;

5 WHEREAS, plaintiff's counsel informed defendants on March 16, 2011 that plaintiff
6 requires additional time to respond to the issues raised by defendants;

7 WHEREAS, the parties seek to avoid the time and expense associated with a motion to
8 dismiss that may prove potentially unnecessary;

9 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE THAT:

- 10 1. On or before March 31, 2011, plaintiff will provide defendants a definitive
11 response as to whether plaintiff will dismiss the complaint, exhaust his
12 administrative remedies under the subject employee benefit plan, or otherwise
13 respond to defendants' position regarding ERISA preemption and ERISA's
14 administrative exhaustion requirement; and,
15 2. Defendants shall have until April 20, 2011 to move to dismiss or otherwise
16 respond to plaintiffs' complaint.

17 This extension of time will not alter any event or deadline set by this Court in this case.

18 **IT IS SO STIPULATED.**

19 DATED: March 18, 2011

MORGAN, LEWIS & BOCKIUS LLP

20
21 By: /s/ Nicole A. Diller
22 Nicole A. Diller
23 S. Bradley Perkins
24 Attorneys for Defendants,
25 Intel Corporation and Fidelity Investments
26 Institutional Operations Company, Inc.

LAW OFFICES OF ANTHONY D. AGPAOA

26 By: /s/ Anthony D. Agpaoa
27 Anthony D. Agpaoa
28 Attorney for Plaintiff,
Lee Bollinger

1 I, Nicole A. Diller, am the ECF User whose ID and password are being used to file this
2 document. In compliance with General Order 45, X.B., I hereby attest that each of the signatories
3 identified above has concurred in this filing.

4 DATED: March 18, 2011

MORGAN, LEWIS & BOCKIUS LLP

5
6 By: /s/ Nicole A. Diller
7 Nicole A. Diller
8 Attorneys for Defendants,
9 Intel Corporation and Fidelity Investments
10 Institutional Operations Company, Inc.

11 Dated: March 21, 2011

